

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ARNETTA DAVIS,

Civil Case No.

Plaintiff,

JUDGE

- v. -

ELIZA BRYANT VILLAGE,

**NOTICE OF REMOVAL BY
DEFENDANT ELIZA BRYANT**

Defendant.

Defendant Eliza Bryant Village (“Defendant”), pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, respectfully seeks removal of this action and further states as follows:

1. Plaintiff Arnetta Davis (“Plaintiff”) commenced a civil action against Defendant in the Cuyahoga County Court of Common Pleas, Case No. CV-21-943814, on February 8, 2021.

2. Defendant received service of process of a Summons and Complaint via USPS on February 24, 2021. A true and correct copy of the Summons and Complaint served upon Defendant is attached hereto as Exhibit 1. A copy of the Cuyahoga County Clerk of Court’s Docket showing service upon Defendant is attached as Exhibit 2.

3. Plaintiff’s “Complaint for Unpaid Overtime Wages” sets forth causes of action including for alleged violations of the Fair Labor Standards Act, 29 U.S.C. 201, *et seq.* (“FLSA”).

See Exhibit 1 at ¶¶ 26, 30-31, 34-35.

4. This Court has original jurisdiction over Plaintiff’s FLSA claim in this civil action pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction over Plaintiff’s remaining state law claims for alleged violations of Ohio Revised Code 4111.03 and 4111.10, pursuant to 28 U.S.C. § 1367. Accordingly, Plaintiff’s Complaint is properly removable to this Court pursuant to 28 U.S.C. § 1441(a).

5. Venue for this removed action is proper in the Eastern Division of the United States District Court for the Northern District of Ohio because the territorial jurisdiction of this Court includes the Cuyahoga County, Ohio, Court of Common Pleas in which Plaintiff filed her Complaint.

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of Defendant's receipt of the Summons and Complaint on February 24, 2021.

7. Defendant is filing a Notice of Filing Notice of Removal in the Cuyahoga County Court of Common Pleas contemporaneously with the filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d). A true and correct copy of Defendant's Notice of Filing Notice of Removal is attached hereto as Exhibit 3 (not including its exhibit).

8. Defendant will provide prompt written notice to Plaintiff that Defendant has filed this Notice of Removal in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant respectfully requests that this Notice effect removal of the above-captioned case from the Cuyahoga County Court of Common Pleas to this Court.

Respectfully submitted,

s/ Patrick M. Watts
Patrick M. Watts (Ohio Bar No. 0075099)
pmw@zrlaw.com
David P. Frantz (Ohio Bar No. 0091352)
dpf@zrlaw.com
ZASHIN & RICH CO., L.P.A.
950 Main Ave., 4th Floor
Cleveland, Ohio 44113
Tel.: (216) 696-4441
Fax: (216) 696-1618

Attorneys for Defendant Eliza Bryant Village

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2021 a copy of the foregoing document was filed with the Court's electronic filing system and will be served upon all parties via the Court's electronic filing system. In addition, I also hereby certify that I caused the foregoing document to be served via email on March 23, 2021 on the following:

Stephan I. Voudris, Esq.
Christopher M. Sams, Esq.
Voudris Law LLC
8401 Chagrin Road, Suite 8
Chagrin Falls, OH 44023
svoudris@voudrislaw.com
csams@voudrislaw.com

Attorneys for Plaintiff

s/ Patrick M. Watts
Patrick M. Watts (Ohio Bar No. 0075099)
pmw@zrlaw.com
David P. Frantz (Ohio Bar No. 0091352)
dpf@zrlaw.com
ZASHIN & RICH CO., L.P.A.
950 Main Ave., 4th Floor
Cleveland, Ohio 44113
Tel.: (216) 696-4441
Fax: (216) 696-1618

Attorneys for Defendant Eliza Bryant Village